

FEB 13 2006 *ap*

MARY L.M. MORAN
CLERK OF COURT

GERALD E. GRAY, ESQ
213 E BUENA VISTA AVENUE SUITE 202
DEDEDO, GUAM 96929-5321
TELEPHONE: 637-9620/1
FACSIMILE: 637-9660

IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM

ELIZABETH TOLOSA-TAHA,

Plaintiff,

vs.

MILAROSE NILOOBAN, NILO NILOOBAN,
THE TESTATE AND INTESTATE
SUCCESSORS OF EDGAR G.M. TOLOSA,
DECEASED, AND ALL PERSONS
CLAIMING BY, THROUGH OR UNDER
SUCH EDGAR G.M. TOLOSA; ALL
PERSONS UNKNOWN, CLAIMING ANY
LEGAL OR EQUITABLE RIGHT, TITLE,
ESTATE, LIEN, OR INTEREST IN THE
PROPERTY DESCRIBED IN THE
COMPLAINT ADVERSE TO PLAINTIFF'S
TITLE, OR ANY CLOUD ON PLAINTIFF'S
TITLE THERETO; AND DOES 1 to 50,
INCLUSIVE.

Defendants.

Case No. 06-00002

AMENDED

COMPLAINT TO QUIET TITLE

[Title 21 GCA Section 25101]

COMES NOW, Elizabeth Tolosa-Taha, and alleges:

1. That she is a citizen of the United States of America, a bonafide resident of 940 Toulouse Way, Martinez, California 94553, and the adopted daughter of deceased Edgar G.M. Tolosa. Plaintiff is a resident of the state of California.

2. That defendants Milarose Nilooban and Nilo Nilooban are the current tenants/occupants of the subject property commonly known as 247 J.L. Blaz, Dededo, Guam

ORIGINAL

1 86912. Based on information and belief, defendants Milarose Nilooban and Nilo Nilooban are
2 citizens of the Republic of the Philippines and residents of the District of Guam, Territory of
3 Guam.

4 3. Plaintiff does not know the names of decedent's heirs and devisees, and therefore
5 denominate these defendants herein as "the testate and intestate successors of Edgar G.M. Tolosa,
6 deceased, and all persons claiming by, through, or under such decedent (hereinafter referred to as
7 "the successor defendants"). The successor defendants, and each of them, claim some right, title,
8 estate, lien, or interest in the hereinafter-described property adverse to plaintiff's title; and their
9 claims, and each of them, constitute a cloud on plaintiff's title to that property.

10 4. The defendants herein named as "all persons unknown, claiming any legal or
11 equitable right, title, estate, lien or interest in the property described in the complaint adverse to
12 plaintiff's title, or any cloud on plaintiff's title thereto" (hereinafter sometimes referred to as "the
13 unknown defendants") are unknown to plaintiff. These unknown defendants, and each of them,
14 claim some right, title, estate, lien, or interest in the hereinafter-described property adverse to
15 plaintiff's title; and their claims, and each of them, constitute a cloud on plaintiff's title to that
16 property.

17 5. Plaintiff is ignorant of the true names and capacities of defendants sued herein as
18 DOES 1 through 50, and therefore sues these defendants by such fictitious names. Plaintiff will
19 amend this complaint to allege their true names and capacities when ascertained. Plaintiff is
20 informed and believes and thereon alleges that each of these fictitiously named defendants claim
21 some right, title, estate, lien, or interest in the hereinafter-described property adverse to plaintiff's
22 title and their claims, and each of them, constitute a cloud on plaintiff's title to that property.

23 6. Decedent Edgar G.M. Tolosa, was the sole owner in fee simple of a parcel of real
24 estate, more particularly described as follows:

25 Lot No. 6, Block No. 24, Unit No. XII Suburban Subdivision of Tract 112, Dededo, Guam,
26 Area 8324 square feet, commonly known as 247 J.L. Blaz, Dededo, Guam 86912. Attached and
27 incorporated herein by reference as though fully set forth as Exhibit A is a copy of the Warranty
28 Deed dated April 13, 1973 executed by Paul B. Souder and Maruiquita Souder conveying the
subject property to Edgar G.M. Tolosa.

1 Attached and incorporated herein by reference as Exhibit B as though fully set forth herein
2 are copies of a letter from The Bank of Hawaii and the Mortgage Note stamped "Paid" by the Bank
3 of Hawaii.

4 7. Edgar G. M. Tolosa died intestate on November 1, 1999 in San Francisco,
5 California. Attached and incorporated herein as Exhibit C is a copy of his death certificate.

6 8. Plaintiff Elizabeth Tolosa-Taha is the adopted daughter and sole heir of decedent
7 Edgar Tolosa as evidenced by the Amended Certificate of Live Birth and certification from the
8 City Civil registry office of the Republic of the Philippines dated January 27, 2000, Exhibit D.

9 9. Defendants Milarose Nilooban and Bienvenido Nilooban, current tenants of the
10 subject property, had been paying their monthly rental directly to the Bank of Hawaii until May 9,
11 2002, at which time the Bank declared that mortgage loan number 014447-9 secured by the subject
12 property, has been paid in full. Exhibit B.

13 10. Defendants Milarose and Bienvenido Nilooban have not paid the monthly rental
14 since May 9, 2002. Accrued rents are now due and owing.

15 11. Plaintiff is seeking to quiet title against the claims of defendants Milarose and
16 Bienvenido Nilooban, current occupants of the subject property; the claims of all unknown
17 defendants described in paragraphs 3 and 4; whether or not the claim or cloud is known to
18 plaintiff; and the unknown, uncertain, or contingent claim, if any, of Does 1 through 50, more fully
19 described in paragraph 5. The claims of defendants are without any right whatever and such
20 defendants have no right, title, estate, lien, or interest whatever in the above-described property or
21 any part thereof.

22 12. Plaintiff seeks to quiet title as of the date of filing this complaint.

23 WHEREFORE, plaintiff prays as follows:

24 1. For a judgment that plaintiff is the owner in fee simple of the subject property and
25 that defendants have no interest in the subject property adverse to the plaintiff.

26 2. For costs of suit herein incurred; and
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3. For such other and further relief as the court may deem proper.

Dated: January 23, 2006

Respectfully submitted,

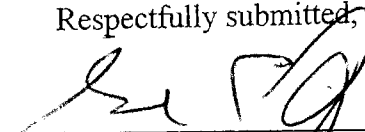

GERALD E. GRAY, ESQ.
Attorney for Plaintiff

EXHIBIT A

WARRANTY DEED

1 KNOW ALL MEN BY THESE PRESENTS, that we, PAUL B. SOUDER and
2 MARIQUITA T. SOUDER, husband and wife, citizens and residents of
3 the Unincorporated territory of Guam, hereinafter referred to as
4 Grantor, for Ten Dollars (\$10.00) and other valuable consideration,
5 to us in hand paid by EDGAR G.M. TOLOSA, ^{a single man} a citizen of the United C. Tolosa
6 States and resident of the Unincorporated territory of Guam, the
7 receipt and sufficiency of which is hereby acknowledged, do hereby
8 give, grant, bargain and convey unto EDGAR G.M. TOLOSA, hereinafter
9 referred to as Grantee, his heirs and assigns forever, all that
10 certain piece or parcel of real estate, more particularly described
11 as follows:

12 Lot No. 6, Block No. 24, Unit No. XII
13 Suburban Subdivision of Tract 112, Dededo,
Guam, Area 8324 square feet.

14 The foregoing land is registered land, being
15 a part of basic Lot No. 10114, Dededo, the
16 registered owner thereof being the Grantor
herein, and the number of the certificate of
last registration thereof being _____

17 TOGETHER with any and all improvements thereon situated or
18 located therein. With the appurtenances thereunto belonging or
19 in anywise appertaining, and the reversion and reversions,
20 remainder and remainders, rents, issues and profits thereof, and,
21 also all the estate, right, title and interest, dower and rights
22 of dower, possession, claim and demand whatsoever, both at law
23 and in equity, of the Grantor, of, in and to the above granted
24 premises and every part and parcel thereof, with the appurtenances.


25 Further, we do hereby, for ourselves and our heirs, executors
26 and administrators, covenant with the said grantee, his heirs
27 and assigns, that we are lawfully seized in fee of the granted
28 premises; that it is free from all encumbrances; that we have
29 good right to sell and convey the same as aforesaid; and that we
30 will, and our heirs, executors and administrators shall warrant
31 and defend the same to the said grantee, heirs and assigns,
32 forever, against the lawful claims and demands of all persons.

EDWIN K.W. CHING
Attorney at Law

Mesa Bldg.
P.O. Box 1044
Agana, Guam
Tel: 772-6165/777-5266

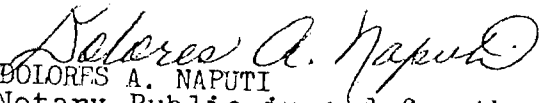
1 IN WITNESS WHEREOF, we have hereunto set our hands and seals
2 this 13th day of April, 1973.

3
4  (SEAL)
Paul B. Souder

5  (SEAL)
6 Mariquita T. Souder

7
8
9 UNINCORPORATED TERRITORY OF GUAM)
10 CITY OF AGANA) SS
11)

12 Before me, a Notary Public in and for the Unincorporated
13 territory of Guam, personally appeared Paul B. Souder and
14 Mariquita T. Souder, known to me to be the persons whose signatures
15 are subscribed to the foregoing instrument and who acknowledged
16 to me that they executed the same as their own free acts and deeds
17 this 13th day of April , 1973 .

18
19 
20 DOLORES A. NAPUTI
21 Notary Public in and for the
22 Unincorporated territory of Guam

23 My comm. expires: 8/30/76
24
25
26
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EXHIBIT B



June 13, 2002

Egm Tolosa
7 Matatag St East Ave
Quezon City Pi

MORTGAGE LOAN NO.: 014447-9
TAX KEY NO.: T112 B24 L6
PROPERTY ADDRESS: L6 B24 U12 T112
PAID IN FULL: 05/09/02 (deed)

ATTACHED IS THE FOLLOWING DOCUMENT FOR YOUR RETENTION AND FUTURE
REFERENCE:

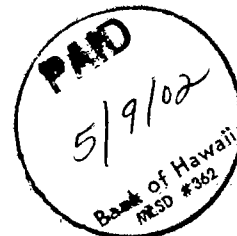
DESCRIPTION

NOTE stamped "PAID"
DEED/LEASE/OTHER

THANK YOU FOR GIVING BANK OF HAWAII THE OPPORTUNITY TO SERVE YOU!

PAYOFF SPECIALIST
MORTGAGE LOAN SERVICING DEPARTMENT

PA901 001
MMT



ML#0144479

FHA FORM NO. 9198
Revised November 1970

This form is used in connection with mortgages insured under the one- to four-family provisions of the National Housing Act.

MORTGAGE NOTE

FHA CASE NO.

831-004609-222

\$ 28,100.00

AGANA, GUAM, ~~State of Hawaii~~
April 15, 1973

FOR VALUE RECEIVED, the undersigned promise(s) to pay to - - - - -

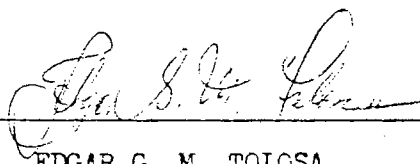
- - - - -BANK OF HAWAII- - - - - , or order,

the principal sum of - - - - -TWENTY EIGHT THOUSAND ONE HUNDRED ONLY- - - - -
Dollars (\$ 28,100.00), with interest from date until paid at the rate of - - - - -SEVEN- - - - -
- - - - - per centum (7 %) per annum net above taxes. Said principal and in-
terest shall be payable at the office of the payee, in - - - - -AGANA, GUAM- - - - -
- - - - - , or at such other place as the holder hereof may designate in writing, in monthly installments
of - - - - -ONE HUNDRED EIGHTY SEVEN AND 15/100- - - - -
Dollars (\$ 187.15), commencing on the first day of June , 1973 , and
on the first day of each month thereafter until the principal and interest are fully paid, except that the
final payment of principal and interest, if not sooner paid, shall be due and payable on the first day of
May , 2003 .

If default be made in the payment of any installment under this note, and if such default is not made good prior to the due date of the next such installment, the entire principal sum and accrued interest shall at once become due and payable without notice, at the option of the holder of this note. Failure to exercise this option shall not constitute a waiver of the right to exercise the same in the event of any subsequent default. In the event of any default in the payment of this note, and if the same is collected by an attorney at law, or suit is brought hereon, the undersigned agree(s) to pay in either case, all costs of collection, including a reasonable attorney's fee.

The makers and endorsers of this note severally waive demand, protest and notice of demand, protest and nonpayment, and consent to substitution, change or withdrawal of securities without notice, and to extensions of time of payment without notice.

It is further agreed that if this note is signed by more than one person all obligations hereunder shall be joint and several.


EDGAR C. M. TOLOSA

TERRITORY OF GUAM, DEPARTMENT OF LAND MANAGEMENT
OFFICE OF THE RECORDER

INSTRUMENT NUMBER 223217

This instrument was filed for record on 16
day of April, 1973, at 2:02 P.M.

and duly recorded in Book _____ at Page _____
_____, Recording Fee 14.00 Voucher No. 60813

L. b. Perez
Deputy Recorder

EXHIBIT C

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY PUBLIC HEALTH DEPARTMENT

CERTIFICATE OF DEATH

3199901007423

STATE FILE NUMBER		STATE OF CALIFORNIA USE BLACK INK ONLY. NO ERASURES, WHITEOUTS OR ALTERATIONS VS-1 (REV. 7/97)		LOCAL REGISTRATION NUMBER	
1. NAME OF DECEASED—FIRST (GIVEN)		2. MIDDLE		3. LAST (FAMILY)	
Edgar		Miles		Tolosa	
4. DATE OF BIRTH M/M/DD/CCYY		5. AGE YRS.		6. SEX	
09/25/1936		63		M	
7. DATE OF DEATH M/M/DD/CCYY		8. HOUR		9. STATE OF BIRTH	
11/01/1999		0906		Philippines	
10. SOCIAL SECURITY NO.		11. MILITARY SERVICE		12. MARITAL STATUS	
567-50-7318		X YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/>		Never Married	
13. EDUCATION—YEARS COMPLETED		14. RACE		15. USUAL EMPLOYER	
18		Filipino		Self Employed	
16. USUAL EMPLOYER		17. KIND OF BUSINESS		18. YEARS IN OCCUPATION	
Minister		Religion		25	
20. RESIDENCE—(STREET AND NUMBER OR LOCATION)					
911 Capitol Avenue					
21. CITY		22. COUNTY		23. ZIP CODE	
San Francisco		San Francisco		94112	
24. YRS IN COUNTY 25. STATE OR FOREIGN COUNTRY					
20 CA					
26. NAME, RELATIONSHIP					
Rene Tolosa - Brother					
27. MARITAL ADDRESS—(STREET AND NUMBER OR RURAL ROUTE NUMBER, CITY OR TOWN, STATE, ZIP)					
911 Capitol Avenue, San Francisco, CA 94112					
28. NAME OF FATHER—FIRST		29. MIDDLE		30. LAST (FAMILY NAME)	
Simon		Tolosa		P.I.	
31. NAME OF FATHER—MIDDLE		32. MIDDLE		33. LAST (FAMILY NAME)	
Jose		Miles		P.I.	
34. DATE OF BIRTH M/M/DD/CCYY		35. DATE OF DEATH M/M/DD/CCYY		36. DATE OF DEATH M/M/DD/CCYY	
11/08/1999		11/08/1999		11/05/1999	
37. NAME OF FUNERAL HOME					
Burien's Funeral Home					
38. ADDRESS OF FUNERAL HOME					
1028 E 10th St, Alameda, CA 94601					
39. PLACE OF DEATH					
Alameda					
40. STREET ADDRESS—(STREET AND NUMBER OR LOCATION)					
111 E 31st St					
41. DEATH WAS CAUSED BY (CHECK ONE CAUSE FOR A, B, C, AND D)					
A. Blunt Force Trauma					
B. None					
C. None					
D. None					
42. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH (GIVE IN 102)					
None					
43. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 102 OR 103? IF YES, LIST TYPE OF OPERATION AND DATE					
None					
44. I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, THE DEATH OCCURRED AT THE HOUR, DATE AND PLACE STATED FROM THE CAUSES STATED.		45. SIGNATURE AND TITLE OF CERTIFIER		46. LICENSE NO.	
11/01/1999		J.D. Lawson #9 Deputy Coroner		11/03/1999	
47. MANNER OF DEATH		48. INJURY AT WORK		49. INJURY DATE M/M/DD/CCYY	
NATURAL <input type="checkbox"/> SUICIDE <input type="checkbox"/> HOMICIDE <input type="checkbox"/>		YES <input type="checkbox"/> NO <input type="checkbox"/>		11/03/1999	
50. ACCIDENT <input type="checkbox"/> PERSONS INVESTIGATION <input type="checkbox"/> COULD NOT BE DETERMINED <input type="checkbox"/>		51. DESCRIBE HOW INJURY OCCURRED (EVENTS WHICH RESULTED IN INJURY)		52. LOCATION (STREET AND NUMBER OR LOCATION AND CITY, ZIP)	
53. SIGNATURE OF CORONER OR DEPUTY CORONER		54. DATE M/M/DD/CCYY		55. TYPED NAME, TITLE OF CORONER OR DEPUTY CORONER	
J.D. Lawson #9		11/03/1999		J.D. Lawson #9 Deputy Coroner	
56. STATE REGISTRAR		57. FAX AUTH. #		58. CENSUS TRACT	
A B C D E F G H		86646		22	

49202

CERTIFIED COPY OF VITAL RECORDS

STATE OF CALIFORNIA } SS
COUNTY OF ALAMEDA

This is a true and exact reproduction of the document officially registered and filed with the Alameda County Health Care Services Agency.

DATE ISSUED: 11/10/1999

HEALTH OFFICER AND LOCAL REGISTRAR
ALAMEDA COUNTY, CALIFORNIA

This copy not valid unless prepared on engraved border displaying date and signature of Registrar.

Case 1:06-cv-00002 Document 2 Filed 02/13/2006 Page 14 of 18



EXHIBIT D

REPUBLIC OF THE PHILIPPINES

"Amended Certificate

CERTIFICATE OF LIVE BIRTH

of Live Birth"

(FILL OUT COMPLETELY, ACCURATELY, LEGIBLY IN INK OR TYPEWRITER)

Province: Metro Manila

Register Number:

(a) Civil Registrar-General No.

City or Municipality: Quezon City

(b) Local Civil Registrar No. 1544

I. PLACE OF BIRTH

a. Province Metro Manila

b. City or Municipality

Quezon City

c. Name of Hospital or Institution (If not in hospital, give street address)

Sta. Mesa Heights

d. Is Place of Birth Inside City Limits?

Yes ☒No ☐

2. Usual Residence of Mother (Where does mother live?)

a. Province Metro Manila

b. City or Municipality

Quezon City

c. Number and Street

7 Matatag St. Bgy. Pinyahan

d. Is Residence Inside City Limits? e. Is Residence on a Farm?

Yes ☐No ☐Yes ☐No ☐

3. NAME (Type or print)

First

Middle

Last

ELIZABETH

TOLOSA

4. Sex

5a. This Birth

5b. Is Twin or Triplet, was Child

6. Date of Birth

F

SINGLE ☒ TWIN ☐ TRIPLET ☐1st ☐ 2nd ☐ 3rd ☐

Month February 25 Year 1955

7. NAME

First

Middle

Last

RELIGION

8. NATIONALITY

9a. Race

Edgar

Tolosa

Christian

American

9. Age (At time of this birth)

10. Birthplace

11a. Usual Occupation

11b. Kind of Business or Industry

Years 34

Manila

US Air Force Soldier

12. Maiden Name

First

Middle

Last

RELIGION

13. NATIONALITY

13a. Race

14. Age (At time of this birth)

15. Birthplace

16. Previous Deliveries to Mother

(Do not include this birth)

Years

a. How many children are now living?

b. How many other children were born alive but now dead?

c. How many total deaths (fetuses born dead any time after conception)?

17a. Informant's Signature:

a. Name in Print:

Edgar Tolosa

c. Address:

7 Matatag St. Bgy. Pinyahan, QC

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18. Mother's Mailing Address: (Number, Street, City or Municipality, Province)

19.

ATTENDANT AT BIRTH

I HEREBY CERTIFY that I attended the birth of this child who was born alive at 1:00 o'clock A.M. on the date above indicated.

b. Signature:

(Sgd. ill.)

c. Name in Print:

Esperanza Plura

d. Address:

Sta. Mesa Hts.

d. Date Signed by Attendant at Birth:

e. Title of Attendant at Birth:

f. M.D.

EXAMINED

g. Nurse

h. Other (Specify)

20. Received in the Office of the Local Civil Registrar by:

a. Signature:

(Sgd. ill.)

b. Name in Print:

Ma. A. Agapito

c. Title or Position:

Asst. LCR

d. Date:

March 8, 1955

21. a. Given Name After Birth (Specify full name)

b. Date When Given Name Was Assigned

22a. Length of Pregnancy

COMPLETED WEEKS

22b. Weight at Birth

22c. Length

22d. Head Circumference

24. Date and Place of Marriage of Parents (For legitimate birth)

(Month)

(Day)

(Year)

City or Municipality

Province

25. This Certificate is prepared by:

Signature:

(Sgd. ill.)

Name in Print:

Esperanza Plura

Title or Position:

Reg. Nurse & Midwife

Date:

Feb. 26, 1955

19-239

(SPACE FOR MEDICAL AND HEALTH ITEMS FOR SPECIAL PURPOSES)

FOR THE CITY CIVIL REGISTRAR

ESTER M. REYES
REGISTRATION OFFICER V
C.C.R.O. - M.M.CERTIFIED XEROX COPY
FROM THE ORIGINAL

No.

200

By



Republic of the Philippines
Quezon City, Metro Manila
CITY CIVIL REGISTRY OFFICE

Civil Registry Form No. 1A
(BIRTH AVAILABLE)

January 27, 2000

TO WHOM IT MAY CONCERN:

We certify that among the following facts of birth appear in our Register of Birth on
page XXX of Book No. XXX.

REGISTRY NUMBER	1544
DATE OF REGISTRATION	March 8, 1955
NAME OF CHILD	ELIZABETH TOLOSA
SEX	Female
DATE OF BIRTH	February 25, 1955
PLACE OF BIRTH	Sta. Mesa Heights, Quezon City
NAME OF MOTHER	n/a
NAME OF FATHER	Edgar Tolosa
CITIZENSHIP OF FATHER	American
CITIZENSHIP OF MOTHER	n/a
DATE OF MARRIAGE OF PARENTS	n/a
PLACE OF MARRIAGE OF PARENTS	n/a

This certification is issued to Elizabeth Tolosa upon his/her request.

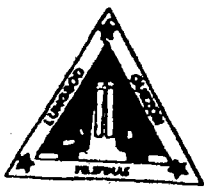
Verified by : angelita f. sanchez
Print Name and Signature

Amount Paid : ₱20-
Official Receipt No : 1194239
Date Paid : 1-25-2000

FOR THE CITY CIVIL REGISTRAR

mm
ESTER M. REYES
REGISTRATION OFFICER V
C.C.R.O.-M.M. af

NOTE : A MARK, ERASURE, ALTERATION OF ANY ENTRY INVALIDATES
THIS CERTIFICATION.



Republic of the Philippines
Quezon City, Metro Manila
CITY CIVIL REGISTRY OFFICE

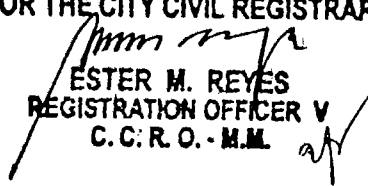
January 27, 2000

TO WHOM IT MAY CONCERN:

This is to certify that the decision issued by the Honorable Court presided by Judge Leonor Ines Luciano of Juvenile and Domestic Relations Court in the matter of the Adoption of the minor Elizabeth Tolosa Indiongco and shall be known as ELIZABETH TOLOSA to petitioner Edgar Tolosa was received by the Office of the Local Civil Registry, this City, this 14th day of September 1971, and therefore included in the Official Record file of this Office under Reg. No. 36, Series of 1971, Sp. Proc. No. QG-00182, issued on September 10, 1971.

This CERTIFICATION is being issued upon the request of the interested party for whatever legal purpose it may serve.

FOR THE CITY CIVIL REGISTRAR


ESTER M. REYES
REGISTRATION OFFICER V
C.C.R.O.-M.M.